

Appln. Serial No. 09/449,782
Reply to Office Action Mailed June 24, 2005

REMARKS

In the Office Action dated June 24, 2005, claims 1-21 and 23-25 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 6,182,279 (Buxton) in view of Brian Livingston, "Windows 95 Secrets," 3rd Ed. (Livingston).

It is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 1 over the asserted combination of Buxton and Livingston for at least the following two reasons: (1) no motivation or suggestion existed to combine the teachings of Buxton and Livingston; and (2) even if combined, the hypothetical combination of Buxton and Livingston fails to teach or suggest *all* elements of claim 1. See M.P.E.P. § 2143 (8th ed., Rev. 2), at 2100-129.

Claim 1 recites a method that comprises:

- o invoking, by an application, a call of a *command line utility*, the application *providing an identifier* in the call of the command line utility;
- o receiving output from the command line utility;
- o storing the *command line utility output* in a system storage at a location identified by the *identifier*; and
- o retrieving, by the application, the *command line utility output* from the system storage at the location identified by the *identifier*.

The Office Action cited column 7, line 65 through column 8, line 10 as disclosing the task (recited in claim 1) of invoking, by an application, a call of the command line utility, the application providing an identifier in the call of the command line utility. 6/24/2005 Office Action at 2-3. Note that the Office Action asserted that this element of claim 1 is taught by Buxton despite the concession made by the Office Action that Buxton fails to disclose a "command line utility." *Id.* at 4.

The cited passage of Buxton refers to an Object Linking and Embedding (OLE) container 220 that interacts with a WIN 32 application programming interface (API) 240 through OLE libraries 230 to insert OLE objects or controls into an operating system registry 250. Buxton, 7:66-8:2. Examples of the OLE container that can interact with the WIN 32 API 240 to insert OLE objects or controls into the operating system registry consist of Lotus Notes and Microsoft Word. Buxton, 8:2-6. As further explained in the cited passage, OLE libraries 230 include a set of system-level services in accordance with the OLE specification that

Appln. Serial No. 09/449,782

Reply to Office Action Mailed June 24, 2005

function to call the WIN 32 API to locate registry objects. Buxton, 8:6-11. There is no teaching or suggestion anywhere in Buxton that the OLE container 220 (which can modify registry entries) can be substituted with a command line utility as recited in claim 1.

The Office Action relied upon Livingston as teaching the proposed modification of Buxton to achieve the claimed invention. Specifically, the Office Action relied upon the teaching in Livingston regarding the Registry Editor, which as taught by Livingston, allows a user to go to a DOS prompt (without starting Windows) to enable the editing of the registry. The Registry Editor described in Livingston is started manually by a user, with the user entering a command to start editing the registry. There is no suggestion in Livingston or in Buxton that the Registry Editor taught by Livingston can be substituted for the OLE container described in the cited passage of Buxton relied upon by the Office Action. In fact, a person of ordinary skill in the art would not have been motivated to make the proposed modification, since there existed no suggestion anywhere that it would even be desirable to incorporate the Registry Editor of Livingston into Buxton. The OLE container of Buxton has to interact with WIN APIs and OLE libraries to modify registry entries. Clearly, a person of ordinary skill in the art would not have substituted the Registry Editor of Livingston for the OLE container of Buxton as doing so would clearly defeat the intended purpose of Buxton – namely, to use OLE components to enable modification of registry entries.

What the Office Action has engaged in is a classic example of impermissible hindsight reconstruction that picks and chooses un-related elements from prior art references to achieve the claimed invention, where no motivation or suggestion existed to make the proposed combination. Therefore, the Office Action has clearly failed to establish a *prima facie* case of obviousness for at least this reason.

The remaining elements of claim 1 recite various tasks performed with respect to the command line utility, including receiving output from the command line utility, storing the command line utility output in a system storage at the location identified by the identifier, and retrieving, by the application, the command line utility output from the storage location at the location identified by the identifier. Note that the application that retrieves the command line utility output from the system storage at the location identified by the identifier is the *same* application that invokes the call of the command line utility, and the *same* application that provides the identifier in the call of the command line utility. The Office Action identified OLE

Appl. Serial No. 09/449,782
Reply to Office Action Mailed June 24, 2005

libraries as being the application that retrieves output from a system storage. 6/24/2005 Office Action at 3.

The OLE libraries cannot be the application of claim 1. As discussed above, the Office Action has identified the OLE libraries 230 as being the utility that is invoked by an application. (Note the citation of column 8, line 7, of Buxton by the Office Action, which points specifically to the system-level services that make up the OLE libraries 230.) By also equating the OLE libraries with the application of claim 1, the Office Action appears to be indicating that the OLE libraries can call itself (note that claim 1 recites that the application invokes a call of the command line utility). However, this reading is clearly erroneous, as Buxton is clear in teaching that the OLE libraries 230 do not call itself. In fact, it is the OLE container 220 (separate from the OLE libraries 230) that interacts with APIs 240 through the OLE libraries 230 to modify the operating system registry. The internal inconsistency of the rejection is another reason that the *prima facie* case is defective.

A further basis that the *prima facie* case is defective is that the hypothetical combination of Buxton and Livingston clearly fails to teach *all* elements of the claim. As explained above, Buxton clearly fails to teach invoking, by an application, a call of a *command line utility*, where the application provides an identifier in the call of the command line utility. Livingston also fails to disclose or suggest this element that is missing from Buxton, since the Registry Editor of Livingston is not invoked by an application that also provides an identifier in the call of the Registry Editor. Therefore, because neither Buxton nor Livingston teaches or suggests all elements of claim 1, the hypothetical combination of Buxton and Livingston clearly does not disclose or suggest all elements of the claim.

A *prima facie* case of obviousness has not been established with respect to independent claims 15 and 21 for reasons similar to those of claim 1.

Dependent claims are allowable for at least the same reasons as corresponding independent claims.

Moreover, with respect to dependent claim 9 (which depends indirectly from claim 1), Buxton does not teach that providing the identifier indicating a shared system memory identifies a system *clipboard memory*. The Office Action referred to column 11, line 6, as teaching this element. Note that the cited passage of Buxton refers to an OLE data structure that acts as a generalized clipboard format. There is absolutely no suggestion of providing an identifier of a

Appln. Serial No. 09/449,782
Reply to Office Action Mailed June 24, 2005

system clipboard memory, where such identifier identifies a location to store command line utility output.

With respect to claim 11 (which depends from claim 1), there is no teaching or suggestion in Buxton of receiving output from a command line utility through a subsequent command line output routine. The Office Action cited column 8, lines 28-29, of Buxton as teaching this feature. The cited passage refers to data items within a registry being retrievable by calls to WIN 32 APIs. Retrieving data items from a registry through API calls is completely different from receiving output from a command line utility through a subsequent command line output routine.

With respect to claim 12 (which depends from claim 1), there is no suggestion in Buxton of associating each line of command line utility output with a line identifier in the system storage. The Office Action cited column 3, lines 1-9, and column 13, lines 35-44, as teaching this feature. The cited passages refer to storing templates using key information, and storing each template in an ISTORE using a name that may be a decimal number. Neither the key nor the decimal number referred to in these passages constitute the line identifier of a command line utility output.

With respect to claim 23 (which depends from claim 1), Buxton fails to teach or suggest invoking a call to pipe output of a second command line utility to a first command line utility. The Office Action cited column 8, lines 6-7, and column 20, lines 17-43, of Buxton as teaching this feature. The cited passages referred to system-level services provided by the OLE libraries 230, and using a sub-key to read from a registry, determining whether a certificate exists by reading an appropriate registry entry, and if a certificate exists, determining whether or not a license period has expired. There is absolutely no suggestion whatsoever in the cited passages of Buxton of invoking a call to pipe output of a second command line utility to a first command line utility.

Claims 24 and 25 (which depend from independent claims 15 and 21, respectively), are allowable over the asserted combination of Buxton and Livingston for similar reasons as for claim 23.

Appln. Serial No. 09/449,782
Reply to Office Action Mailed June 24, 2005

In view of the foregoing, allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (MCT.0132US).

Respectfully submitted,

Date: _____

Aug 24, 2005



Dan C. Hu
Registration No. 40,025
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, TX 77024
Telephone: (713) 468-8880
Facsimile: (713) 468-8883